
UNIT 5 STRUCTURAL VIOLENCE

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5.1 INTRODUCTION

Violence against women has been the concern of feminists worldwide. When we approach the subject in the sense that violence is a feminist issue, it inherently implies that men, women, and others are the victims of violence. There is a difference of experience with regard to violence against women vis-à-vis violence against men. In case of men suffering from violence, violence is executed by the other men. On the other hand, women suffer from violence, in which the violence is primarily perpetuated by the men. The ratio of male performed violence to female performed violence is 4 to 1. Women's structural position in the society as passive and dependent have made them more vulnerable to various forms of violence. More often, other forms of discrimination combined with sexism has increased the rate of violence for certain sections of the people. For example, it was reported that 34.6% of transgendered people are reported to be victims of physical abuse by their partners; violence against women with disability in the form of sexual assault and violence increased. The politics of violence is gendered in nature and the social institutions; within the structure family, kinship, marriage, and religion are the basis of perpetuating gender-based violence in the society. In the contemporary society, factors such as genocide, ethnic cleansing, and displacement have created conditions to perpetuate structural gender-based violence.

Aims and Objectives

After going through the Unit, you will be able to

- Define the meaning of gender-structural violence;
- Discuss various forms of structural violence existing across societies;
- Analyse certain practices of violence in the context of social institutions and sanctions.
- Discover various legal frameworks which were developed in International Fora.

5.2 WHAT IS GENDER-BASED VIOLENCE?

Violence is the use of physical force to inflict injury on others. Further, the definition of violence has broadened to include improper treatment or verbal abuse. It takes place both in macro and micro levels such as within nation state and communities, and within the intimate relationship respectively. Various forms of violence are used to protect and maintain the interest of the privileged group and its continuous use leads to systematic destruction of the individual. Incidence and occurrence of gender-based violence is increasing with the institutionalisation of patriarchal ideology over centuries. The rate of women experiencing violence is high compared to men as the victims of violence. However, both men and women can be seen as perpetrators and victims of violence. Gender-based violence starts with men's sexual violence which forms a part of all women's life (Faqr, 2001). Violence against women includes rape in private and public spheres, childhood sexual assault, sexual harassment in the workplace, killing of women in the name of honour. As construction of gender differs across societies and cultures, the gender-based violence takes various shapes within the cultural forms and practices of every society. For example, ten centuries of foot binding in China and the practice of bride burning and female feticide in contemporary India are some of the manifestations of gender-based violence (Ibid, p.66). There are high rates of violence against women in Arab countries; however, many of the cases go unnoticed. As Faqr argues, the Arab world has not reached the stage of debate over the violence against women, as majority of women experience violence within the home and the incidence of violence has not been documented. In Jordan, women experience violence at home and the perpetrators are directly related to the victim. In case of Jordanian women, factors of structural unequal positions such as women living with the husband or in parental home, marriage at young age, lack of access to education, and economic dependency of women make women vulnerable to violence within the home. Forms of violence range from wife abuse to incest, sexual harassment and rape within the home (Ibid, p.66). These are some of the structural gender-based violence, as aspects like women subordination, execution of power, and class interest form the basis of status. Some practices like wife beating is accepted by the society as normal. Wife beating is widespread phenomenon in Jordan, which exists across age, class, education, and religion. However, the figures of wife beating are not presented in the official statistical records. Similarly, sexual violence is used by men to subordinate women, that is, central to the maintenance of patriarchal social order in the society. Therefore, some cases of violence like rape within and outside marriage, female infanticide, wife abuse, and forced child bearing are manifestations of unequal power relations between men and women and described as structural violence across societies. Issues of female genital operation have been the issue of concerns for the second wave feminists. For example, the case of Fauziya Kasinga, a young Togolese woman, who was seeking political asylum in United States to escape from forced clitoridectomy and forced marriage (Walley, 2006). The case of female genital operation is simply a product of colonial dominance and patriarchal tradition. The issue of female genital operation can be compared with the sati of India and foot binding practice of China. These issues are the manifestation of power of the ruling interest through the practice of violence. Precisely, it looks at the association between women, tradition, and the institutions of social structure.

5.3 ETHNIC CLEANSING AND GENDER VIOLENCE

The processes of genocide and ethnic violence is gendered in nature, as women and men are targeted differently in the process of eliminating a particular group or ethnic community from the boundaries of the nation-state. Hyndman (2005) has addressed the subject of gender and violence in the process of genocide and ethnic cleansing. In the past, rape and sexual assault were used as immediate instruments of war and any other forms of conflict. The processes of elimination of a particular ethnic and cultural group impact women and men differently and in a structured way. As quoted by Hyndman, rape and sexual assault were used as primary measures by the Serbian forces while cleansing Bosnian Muslim women and catholic Croat women from Bosnia-Herzegovina. Further several patterns of violence occur in conjunction with sexual offense. Salzman (1998) has identified five patterns of sexual violence which occur during any kind of conflict and fight.

Five Patterns of Sexual Violence and Ethnic Cleansing

1. Sexual violence occurs in connection with looting and intimidation.
2. Sexual violence takes place in correlation with the fighting and attack on the village.
3. Collection centers and rehabilitation camps are the sites of rape and sexual violence.
4. Rape and forced impregnation in rape camps constitute a part of ethnic cleansing.
5. Sexual violence occurred in the centers of prostitutions set up to provide service to the soldiers and these are mostly killed (Hyndman, p.204).

These patterns of sexual violence are universal to the process of nation-building or asserting the dominance of a particular ethnic group with the other. These forms of violence include sexual violence and occur in the course of war, disputes over land or natural resources, and in the construction of national identities. There are evidences like Bosnia-Herzegovina and Cauvery-water dispute in the border of Karnataka and Tamil Nadu reflect that men use rape and other bodily assault to terrorise and humiliate the women of the other ethnic and cultural groups. To rape women with impunity and to mark their bodies with symbols of the other side is a way of establishing authority and symbolically assault the ethnic identity of the other group in a protected space (Coomaraswamy, 1999). Men are also raped and sexually mutilated by the other men in the name of construction of nation. People's bodies have been used as platforms of such kind of public violence to occur in the construction of nation-state, or ethnic identity. Bodies of both women and men are always targeted in the case of forced militarisation to secure the boundaries of nation-state and in case of communal conflict. More often, gender, race, and religion are seen as intersecting categories to inflict sexual violence against women.

5.4 DOMESTIC VIOLENCE

The debates on domestic violence are centered on the issue of gender and forms of violence perpetrated by men over women. Sociological research has shown that various indicators of structural inequalities such as family status, income incompatibility between women and the men, education differences, son preference, caste inequality are influencing the occurrence of domestic violence and assaults. Feminist scholars have argued that the root cause of domestic violence is grounded in the unequal relations between gender and

power which represents the interest of the men or the privileged group to maintain dominance upon the women and the marginalised people. Anderson (1997) discussed that the elements of structural inequality primarily influence the violent behaviour of women and men differently. The results showed that factors like incompatibility in income and educational status are differently associated with the women and men while perpetuating violence. Feminists have argued that violence is apart of the patriarchic system of sustaining dominance and power relations between the men and women. Domestic violence is a form of coercive control through which men establish the social dominance over women. Similarly, it is a systematic way of controlling women and other marginalised groups to maintain authority in the society. There have been theoretical differences concerning the various issues of domestic violence. The sociological data which was generated through the method of national survey found out a strong relationship between domestic violence and age, cohabiting status, unemployment, and social-economic status. Scholars have further indicated that the isolation of modern household in United States have contributed towards increasing violence in family and household level. Feminists have offered a methodological critique of understanding issues of domestic violence and argued that the large-scale studies could not analyse domestic violence in the context of its occurrence and completely ignored the aspect of power relations between women and men (Anderson, 1997). Extensive literature on gender issues has focused on the interplay of gender with caste, race, ethnicity and sexualities. For example, middle-class men were able to maintain their dominance over women as they have control of the household income. However, the sources of power got eliminated for working-class men, as women entered into the labour force during post-war period. It shows that there is strong link of domestic violence with the socio-economic status of the women and men. Similarly, feminists have shown the interrelationship between domestic violence, existing structural inequality, and cultural construction of femininity and masculinity. For instance, women accept the dominance of men in form of perpetuating violence. Women are associated with the care work and femininity is characterised with emotion, love, understanding, and patience. Therefore, many women tolerate abusive partner because of their association with care giving and nurturing works. On the other hand, women's limited access to income sources and other resources of the household has led them to tolerate domestic violence. Structures like family, religion, caste, and community have become the sources in the process of perpetration of domestic violence. Certain social practices such as sexual division of labour within household and in the workplace, men marrying the women from a low socio-economic status and women marrying men from upper economic class help in constructing gender relations differently for women and men. These social practices collectively represent the dominance of men, and men manifest power in form of perpetrating domestic assaults. According to Messerschmidt (1993) and Segal (1990), the cultural construction of masculine identity has legitimised and accepted men as the perpetrators of violence in home. Working and lower class masculinities have often emphasised the aspects of toughness, aggression and rigidity. Working class often lack power and authority which in turn compelled them to show aggression and rigidity upon the women at home. Therefore, individual's position in a social class becomes the determinant of their access to power and economic resources to construct masculine identity. This cultural construction of masculine identities as aggressive and rigid are related to domestic violence. Violence is considered as a means to maintain power and the masculine identity. Anderson viewed that individuals having fewer socio-economic resources, compared to their partners, are more likely to perpetrate domestic violence than men who possess resources compared to their partner. On the other hand, women who possess

limited resources do not always resort to violent acts and behaviour at home. The reformers of domestic violence have focused on women lacking certain rights like reproductive rights and right to education and issues which are inherited in the patriarchal family have intensified the occurrence of domestic violence in both developed and developing world. Therefore, in the nineteenth and twentieth century, efforts were made towards bringing state regulations in family life, criminalisation of wife-beating act, and consequent punishment for the wife-beater (Adelman, 2005). In 1970s, feminist activism was centred on understanding gender relations from the aspect of wife-beating and inflicting other forms of violence against women.

Majority of the domestic violence has focused on the forms of violence that exists among the heterosexual couples, and not paid sufficient attention towards the same sex couple and the state's response towards them. Adelman wrote that there was substantial representation of lesbians in the battered women's movement. They fought to establish shelter for battered women, and pushing to bring legislative changes against domestic violence, when same-desire was considered as a political act and was never formed as essential reality of domestic violence research. Domestic violence is not only about violence experienced among the heterosexual couples, but also the issue of sexuality which is rooted in the history and culture of society. Rebecca and Russell have viewed that social positioning of the partners within the institution of marriage has supported men to control power and dominance upon women by the use of force. For example, in countries where girls are being forced to marry at a young age to aged man shows patriarchal attitude to retain man's power within the family by showing individual anger or aggression over woman partner. Therefore, the perpetrator of violence justifies the action of domestic assault by emphasising the patriarchal notion of man's ownership over the woman.

5.5 HONOUR KILLING

Honour killing forms a part of family or community-based violence which supports the idea of public patriarchy. Family or community's honour is believed to rest with the women's adhering to socially expected norms and patriarchal expectations with regard to marriage. Women who deny parent's authority and the rule of endogamy within marriage are often perceived to bring dishonour to the family or community. There are social punishments such as social ostracism, denigration of family social status associated with the institution of marriage. The extreme form of denying the women's right to choice of marriage partner is achieved through honour killing. When patriarchy as a system intersects with other systems of society like economy, religious, legal, and cultural, it leads to the occurrence of more gender-based violence. In the analysis of honour-related violence in Pakistan, Tahira Khan argues that capitalist system of private property is fundamental to women's oppression and gender-based violence. Honour-related violence is inherently related to economic interest and sexual conduct of both men and women. Honour-related violence is a story about male anxieties about keeping women within designated private space and male worries about transgression and defiance of women in relation to limited space (Catherine and Kristin, 2010).

Honour killing has become a widespread phenomenon across the world which inflicts direct violence upon the girl or the married couple by the male family members. The analysis of honour killing cases reflects the interconnection between various structures like caste, class, and gender in the context of gender-structural violence. It emphasises the enforcement of caste and cultural codes on women through the institution of marriage.

Marriage provides a structural linkage between kinship and caste group. The formation of the kinship group through marriage actually strengthens the caste relation in the wider society and helps in maintaining caste norms and sexual codes within the community. The kinship norms and caste codes are central to the patriarchal ideology which believes in controlling female sexuality in relation with the aim in maintaining caste purity, caste status, power and hierarchy. As Chowdhry (1997) puts it, those who infringe the caste and kinship norms in marriage are dealt with extreme violence like honour killing. The enforcement of caste, sexual, and gender codes vary within the caste groups; however, any violence of the prescribed codes commonly evokes violent response from the side of male member's family. Though, countries are experiencing social change and developing legal protections towards such form of public violence, such infringements are believed to be controlled by institutions like Khap Panchayats by invoking claims of tradition, honour, culture, and power. The higher the caste group moves experience upward mobility, the more these groups become the perpetrators of violence in the name of upholding caste/community norms and cultural practices. There is complicity between the perpetrator of violence and the police. In northern India, majority of the police force belongs to the dominant caste group. Therefore, such forces leave the violence of honour killing in the hands of community and caste panchayat. In case of honour killing, police partially forms the opinion in support of the caste groups and sees honour killing as a form of social punishment for those who violate the norms of the rural society. Many of the cases of honour killing are registered as 'sex crime' by the police and acknowledge as the case of love affair, abduction and kidnapping. Most of the cases resulted in physical elimination of boys and girls and in cases in which the boy managed to escape, the girl is forced to re-marry someone from her own caste. In the case of Kheri village of Bhiwani district, the girl was caught and forced to remarry an old man despite her four-month pregnancy (Chowdhry, 1997). Even the girl appeals to police for support and security, but the police and administration ignore the complaint in the name of having lack of evidence.

Case 1: Some of the media-reported cases are concentrated in states like Haryana and Uttar Pradesh. The most talked about case is Mehrana murder case, 1991. A jat girl of the village Mehrana in western Uttar Pradesh ran away with a boy from the jatav caste. Along with the couple, a friend who helped them to elope was caught and judgement was given under the Jat panchayat. Under the judgement, the couple was tortured and hanged in the morning and set on fire. The entire village was witness to this inhuman act and the brutal murder.

Case 2: In April 1991, Poonam from Khedakul village of Narela district was shot dead by her uncle. The act of killing was rationalised by saying the girl was having illicit relationship with another jat boy of the same village. The father and uncle of the girl, for whom death was considered as the appropriate punishment, described the relationship as heinous crime.

Case 3: In August 1993, who Sarita belongs to a low caste, eloped with her husband from the Khandravali village of Muzzafarnagar district of UP. Her husband hailed from the same caste group. However, he belonged to the nearby village and distantly related with her. When the couple returned to their village after five months of elopement, they were beheaded in the village chaupal by the girl's uncle and dragged to death. The elders of the village were more concerned about the honour of the village and teaching a lesson to others about the consequences of having relationship outside the cultural and caste norms.

Case 4: In 1994 March, Asha and her partner were hacked to death in the Nayagaon village of Haryana. Asha belonged to an economically and numerically stronger caste and locally considered as the dominant caste group compared to the Ahirs caste, i.e., the caste of the boy. According to the local people, Asha mentioned to her parents about her right and decision to choose life partner and protested their interference in her life. The couple was seen to be transgressing the caste norms and met with the consequence of death by their own kin.

{Source: Chowdhry (1997)}

In all these cases, the crimes have been committed in the public and witnessed by the village members. On the contrary, many of the cases went unnoticed as the police show its inability to register FIR due to lack of eyewitnesses. The analysis of these cases indeed shows some kind of alliance between police and the caste institutions in the execution of crime. In all these cases, the notion of 'honour' was prioritised by the members of the caste group and the leaders. In Mehrana case, the leader publicly defended the act of killing by asserting the right of the peasantry to punish any one who will infringe the caste norms and rules of marriage. The ideology of honour of the village, caste and community exclusively rests with the female and infringement of caste norms by the female brings dishonour for her family and the village at large. As Veena Das viewed, the natural ties of love and kinship was sacrificed for the shared ideology of honour and morality. This concept of caste/community honour predominantly possesses the upper caste; however, the lower caste groups support the decision of honour killing as part of the village honour at large. As Chowdhry wrote, in the Mehrana case, the jatavs were reported to be influenced by the Jats (dominant caste group) to support the decision of the Jat panchayat. The lower caste groups support the concept of 'honour' in relation to their own caste members and other higher caste groups; therefore, they become defensive about defending honour, related crime within their own caste. Such a concept of honour is claimed, defended and implemented within the various caste groups of rural north India. In conclusion, factors such as status concern of one caste as higher, violating rules of village exogamy in marriage, and assertion of male power within the family and control of female reproduction and productive labour are strongly linked with the practice of honour violence. The analysis of honour-related violence reaffirms the question of caste and its existence in rural India and urban interior pockets. The analysis shows the interface of caste, class and gender in perpetrating violence, which is accepted across both lower and higher caste and class groups.

5.6 INTERNATIONAL LEGAL FRAMEWORK

Despite the increasing incidence of gender-based violence, it is only in recent times being considered as an issue of human-right violence in the international legal frameworks. Rape and sexual abuse of women have been part of many international and national armed conflicts and could not be figured prominently as a crime in the war crime proceedings. The UN Conventions such as the International Convention on Civil and Political Rights and International Convention on Economic, Social and Cultural Rights, 1966 assured to represent human rights issues; however, these conventions could not interpret acts of domestic violence, female feticide, female infanticide, forced abortion and sterilisation, coercive sex and forced childbirth, negative treatment of girl child as various forms of violence against women and the girl child. As Chinkin argues, violence against women and girl child has not been seen as a human-right issue by the governments, international

organisations, and other non-governmental bodies. Further, she gave several reasons for not recognising violence against women as a form of crime by the court of law and international human-rights agencies. The reasons of this gender-blindness are as follows:

- Global violence against women largely remained concealed;
- Economic and social dependency of women upon men prevent women to report violence;
- Incidence of violence is rarely registered officially;
- Legal officials often regard violence against women as a private matter;
- Traditional notion of gender roles and cultural constructions often continue to justify violence such as wife-beating and honour killing across societies; and
- Any reporting of gender-based violence is often considered as threat to the family and social cohesion.

These reasons indicate that violence against women is structural in nature and inherently related with the public/private dichotomy of understanding women's role as against men's role. Various forms of gender-based violence manifest in the structural inequalities of power, which exists between women and men in the society. Men use violence as a kind of socially sanctioned mechanism to subordinate women over a period of time. As Firestone rightly argued, reproduction is the basis of women's continuous oppression in the society and is a product of the dichotomous relations of nature/culture, public/private, and difference/inequality of understanding women's space and location in the society.

The inability of the international law to deal with structural violence against women can be traced from the nature of the international legal system. International law was primarily responsible to deal with state regulations, i.e., the state responsibility are incurred through the public officials and not through the private individuals and the state is responsible to protect individuals within the public realm. This framework had two consequences with regard to protect women against any form of coercive action. First, the violent act which is committed by any public officials is easily disposable as the act is considered to be committed within the private realm. For example, the government dismisses sexual violence in rehabilitation camp by considering it as private act. Secondly, women's location in private realm has delimited their participation in the public and the right to privacy has further protected the family from any governmental intervention. Therefore, women's traditional role of child bearing and care work have never been considered as part of the public action, and protection as well. Discrimination against women becomes severe with regard to women's access to education, employment, health care, and their representation in policy-making bodies. As Chinkin (1995) argues, the Women's Convention requires to initiate affirmative measures in the areas of education, health, employment, and public-policy to ensure equality and protection for women in the public realm. Further, the Convention requires taking appropriate measures towards safeguarding women's rights within the family. In the Convention, matters related to discrimination were considered for affirmative actions at international and local levels; however, the Convention did not focus on the aspect of violence within the debates on discrimination.

The Committee on the Elimination of Discrimination Against Women (CEDAW), which was set up under the Convention to monitor the affirmative actions at the National level found that any form of violence against women possess primary obstacle for women to

access to the rights granted by the Convention. In 1989, CEDAW recommended that the information on various forms of violence is needed for the effective implementation of the rights given under the Convention. Recommendation 19 directs states, “attention towards the elimination of violence as part of the legal obligations incurred through ratification of the Convention, stating that ‘discrimination includes gender-based violence’ and that gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedom on a basis of equality with men” (Ibid, p.25). Recommendations prioritised certain actions such as initiating gender-mainstreaming training for public officials, and provide institutional support to women for participating in economy, and polity at the national and state levels. Various states worded the recommendation differently to avoid any conflicting interest with the personal law or Sharia law. There were other initiatives like Declaration and Programme of Action of the World Conference (1993), Declaration of Elimination of Violence Against Women and the Security Council of the International Tribunal made within the UN bodies towards eradication of violence against women. These platforms broadly focused on exclusion of issue of women’s rights and their marginalisation within the mainstream human-rights bodies. It was indeed a significant advance which challenged the historical notion of power imbalance that existed between women and men. The Declaration explicitly focused on various forms of violence that take place both in public and private spheres. Certain issues such as female genital mutilation, women’s reproductive rights and decision-making, marital rape have been recognised as primary forms of structural gender-based violence within the Declaration. Further, the Declaration specifically aimed at particular groups such as refugees, migrants, disabled women, indigenous women and dalit women who are victims and vulnerable to structural violence. In India, fundamental right of individual was incorporated to ensure equality between women and men. In addition to it, Part IV of the Constitution incorporates in the Directive Principles of State Policy to ensure dignity to women. The India Penal Code contains laws to punish those who commit offence within the state; however, it does not specifically include laws with regard to sexual violence at workplace. In the absence of enacted law with regard to sexual harassment, Vishaka judgment laid down different norms and guidelines according to the international conventions to be obeyed during the work place and other institutions to safeguard the right to equality. The order clearly “perceived the nexus and observed that in the absence of domestic law occupying the field to formulate effective measures to check the event of sexual harassment of working women at all work places, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work within human dignity provided in Articles 14, 127, 16, 19 (1) (g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. Further Supreme Court states, gender equality includes protection from sexual harassment and right to work and life with dignity” (Saumya Uma, unpublished work). In the Indian context, protection from sexual harassment both within the private and public realm is considered as the basic fundamental right of every individual.

5.7 SUMMARY

The Unit discusses the existing practices with regard to gender violence, specifically focusing the issues of women. More or less, gender-based violence is universally used as a social mechanism to suppress women across societies. The indicators of structural inequalities such as women’s location in private sphere, their reproductive role, class position, caste inequalities have largely contributed towards the increasing rate of violence.

The violence against women is rooted in the discourse of gender and power relations, which represents the dominance of men and continuance of patriarchic ideology in the society. The Unit tries to interpret certain practices of gender violence in relation to various elements of structural inequalities.

5.8 TERMINAL QUESTIONS

1. Discuss the meaning of gender-based violence and find out the root causes of these forms of violence.
2. Identify different forms of structural gender-based violence within your surrounding.
3. Discuss the practice of Honour Killing and do a case analysis of any such forms of crime.

SUGGESTED READINGS

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UNIT 6 CASTE, COMMUNALISM AND ETHNIC VIOLENCE

Structure

6.1 Introduction

Aims and Objectives

6.2 Debating Caste in India

6.2.1 Conceptualising caste

6.3 Discussing Communalism in India

6.4 Ethnic Violence

6.5 Summary

6.6 Terminal Questions

Suggested Readings

6.1 INTRODUCTION

In this Unit, we will be dealing with debates on caste, communalism and ethnic violence from the gender perspective. Our efforts are to know the society which is based on the caste hierarchy. It also regulates the gender relations in the Indian society. However, it has also witnessed the communal violence/ communalism and its exploitation and appropriation of women. Ethnicity also is deployed as a site of gendered politics to regulate the lives of women. We will explore the issues of women through the different aspects of caste, communalism and ethnicity.

Aims and Objectives

This Unit will help you to understand

- The ideology and practices related to caste.
- The context of communalism.
- An overview of ethnic violence.
- The gendered perspective of caste, communalism and ethnic violence.

6.2 DEBATING CASTE IN INDIA

6.2.1 Conceptualising Caste

Caste is one of salient features of society. It is a social stratification that produces peculiar modes and modalities of power based on hierarchy and structures of subordination. It is asserted as oriental exceptionalism. On the other, it produces tangible and intangible effects on the body politic and polity. Caste determines the gender relation in India. In order to understand its nuances on gender, one has to understand the diverse debates on caste.

It is contended that stratification, pluralism and interactions are the three key aspects of caste system. It is also based on unique cultural aspects. It is also inscribed from the birth. The dialogue that happens within the different levels of caste system is hierarchical. Caste intersects with class, regional communities too. Ideology of caste creates different psychological impacts on individuals and communities. In other words, the sense of hierarchy and oppression is very much inherent in system of caste. For instance, the internal dynamics of caste organisations are contended as the extension of cultural poverty. In other words, it is premised on the purity and pollution binary opposites related to caste. Colonial census provided a hegemonic nature to Chaturvarna through its census. Thus, native caste elite regained their privilege based on caste hierarchy. Endogamy is maintained to protect the status quo based on caste.

Inequality based on caste is produced through the religious texts. Those religious texts are prescriptive in the case of women. It is misogynist in every nature. Laws of Manu are a codified form of the ideology of the caste. Manu is considered as the ancient law maker. Manusmriti is an intellectual version as well as the justification of caste. Thus, men and women belong to untouchable communities are considered as the lowest and polluted communities. These scriptural sanctions, hegemonic in nature, legitimated the oppression of untouchable women.

Scholars such as Toynbee argued that extermination, assimilation and caste determine the society in a particular fashion. It creates different impact in the social stratifications. It is asserted that whoever is powerless in the society is subjected to the lower level. It may be also part of the conflict that emerged through the invasion of a particular community. These are some of the diverse views on the genesis of caste. Caste is also commented as the system that is originated through social contact. It is called acculturation. It is controlled through the endogamy. Thus, the purity of blood is maintained to regulate the power through caste system. Dumont argues that society is engrossed in the notion of hierarchy from last 1,500-2000 years. He links it with that of pan-civilisation. On the other hand, Leach argues that caste is maintained through the networks of economic, political, ritual relationships. Scholars such as Max Muller provided interpretation of caste through his Aryan theory of race. Invasion of Aryans and the subjection of the natives are contested.

Castes were listed or scheduled in relation to the special electoral representation in the Government of India act 1935. This process of listing emerged as part of the British discourse of imperialism. These processes of listing castes in to scheduled categories are connected to the governmentality of the British. However, Kaka Kalelkar, chairman of the first backward classes commission, foregrounded the category of the backward related to the socially marginalised castes. The category 'backward' signifies the social and educational backwardness of these excluded communities. The assertions of communities which project their backwardness created a sort of administration cum categorical ambiguity for the commission. In other words, communities came with interpretations of their own backwardness. However, the commission introduced a list of 2,399 backward communities in the year 1955. It guided that 1961 Census should collect data related to caste and women. They compared this data with that of backward community. A parallel is drawn to create a sense of policy category based on the marginalisation. For instance, Kalelkar argued in a different fashion. He asserted that the criteria of backwardness can be explored through other forms of existence than through caste.

There are debates on the nomenclature of the castes based on the oppression on the basis of caste. For instance, it is important to explore the history of the ideas such as dalits and so on. Gandhi described untouchables as the Harijan that is the children of god. On the other hand, Dr. B.R.Ambedkar opposed the term such as Harijan and argued that it is derogatory for the ex-untouchables. Gandhi perceived women as the category to maintain culture. For instance, Gandhian category of Harijan becomes problematic in the case of dalit women. The category of Harijan is derogatory and it suppressed women to the lower strata of the system through derogatory etymology.

Caste also determines the settlements of people belong to different castes. For instance, dalits are forced to live in the outskirts of the villages. The order of the geographical location of the village is determined on the order of the caste. Thus, they are also forced to continue all sorts of stigmatised labour. Labour in India is conditioned by the caste. It is argued that caste is the division of labour and labourers. In other words, it divides the working class on the basis of caste. It is important to understand how caste determines the labour of dalit women. For instance, dalit women work as manual scavengers and they indulge in the labour related to carrying human excreta. This particular labour shows the division that exists between dalit and non-dalit women. One can observe that non-dalit women do not engage in stigmatised work such as manual scavenging. Thus, dalit women become the carrier of the stigma based on caste.

Those who are at the lower level of caste society emulate the values of upper and dominant castes. Eminent sociologist M.N.Srinivas described this process as Sanskritisation. The category of Sanskritisation is juxtaposed and criticised by the scholars from the dalit communities. They argue that it is stereotypical towards the dalit social mobility and of other marginalised caste communities. It is contended that higher castes suffer from the insecurity due to the social mobility of dalits. Assertive dalits as well as backward castes create self-dignity and discard the old practice of reverence to castes. Those socially mobile, self-conscious, educated members from the dalits and backward castes recognise the burden of caste ideology and resist it in their day to day life. New assertions against caste challenge the masculinities based on the caste. In other words, it is argued that those contentions against caste question the dominant patriarchal land-based, caste-based hegemony.

There are attempts to draw the similarities between the race and caste. The oppression of the people by these stratification systems were articulated in the Durban Conference. Thus comparisons between Afro-Americans and dalits were drawn to forge solidarity on the basis of oppression. This reflects the nature of neo-transnational alliance of the oppressed communities. Simultaneously, these solidarities emerge in the midst of the withering of social security due to the post-globalised scenarios of development. It also happens in the context of the proliferation of the civil societal agencies. The role of the anti-caste/exploitation movements are thus replaced by the diverse non-governmental/civil societal agencies. The 2001 UN World Conference on Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) was held in Durban. The Dalit activists theorised the global mobility of caste. It tried to develop a debate on the oppression based on descent. The modern nature of caste to ethnicity is contested. Caste also is interpreted as institution that has undergone changes through governmental practices. C.J.Fuller argues that there is historical construction of caste. There were diverse debates on the race and caste. For instance, sociologists like Andre Beteille opined that the UN is going to create old-fashioned debate on race. Susan Bayli contended that ethnic nature

of caste is associated with its urgent mandate in post-independent India. She explored the intra-rivalries as well as the pressure group nature of the caste associations. Thus, it is asserted as the transformation of caste as the conflicts among individuals.

There is a transition from the traditional forms of caste to new forms of caste. This is linked to the ideological transitions of caste. Oppression as well as the discrimination based on caste appears through tangible and intangible practices in the rural, semi-urban and urban areas in different manner. It is linked to the resources, sharing power, opportunities and so on. It is contended that caste has a peculiar character of fluidity. Caste is also theorised as a discursive category.

Anti-caste movements that emerged in colonial/post-colonial era provided a different dimension to the discourse of caste, challenging the ideology of caste and consequential heinous activities. The anti-caste assertions provided sense of meaning and self-dignity to the oppressed communities who are in the lower rung of the caste ridden system. For instance, Dalit Panthers, one of the leading dalit movements in Maharashtra, redefined dalit and produced epoch shattering works in the field of dalit literature. They theorised the oppression based on caste-cum-class and provided an alternative critical space to the dalit masses.

The Post-Mandal climate in the context of reservation debate produced vivid polarisation on the basis of the politics of caste. Protests against the reservation revived the stigmatised symbols related to caste-bound labour and a sense of insecurity among the upper echelons.

Caste also determines the health and socio-economic location of dalit women. Thus, scholars have explored the linkages that exist between community health and caste. In other words, it questions the value neutral conceptualisation of the community health in India and thus argues that fragmented conditions on basis of caste, gender, economic space determine the health of the dalit women. Lack of education and lower landholding has linkages with the health of the dalit women. Caste also operates in the field of corruption, controls the agricultural production and economy. For instance, it is analysed that Bharatiya Kisan Union which is a farmers' movement was very active in UP in 1987. It was led by affluent stream from the Jat-middle caste-cultivators. It controlled the agrarian economy of that particular region.

Caste-based associations accelerate the claims and rights related to different castes. These act as pressure groups which demand different rights from state, non-governmental agencies and so on. It also functions as a mode of mediation of their caste ideology. It indoctrinates the ideology of caste through giving membership to people from respective castes. It also legitimises the caste-related ideologies and hagiographies through the circulation of their propaganda literature. They also conduct family congregation, youth wings, women's association, children's group to penetrate their caste-bound ideology to different sections. Political parties depend on these organisations to secure votes from respective castes.

Dalit women are oppressed by non-dalit/upper caste men, non-dalit/upper-caste women and dalit women. Thus, their oppression is triple in nature. It is theorised that they are the victims of internal patriarchy and external patriarchy. Internal patriarchy refers to the patriarchy that they experience from the men from their caste. External patriarchy refers to the patriarchy which dalit women experience from the non-dalit upper caste women/

men. Dalit women undergo oppression through the domestic violence and community-patriarchy induced surveillance at home. Economic insecurity and caste based oppression accelerate domestic violence in the dalit households. These women are devoid of their rights to land. Struggle of dalit women for land at Bodh Gaya is a rare struggle that symbolises the political agency of dalit women. Dalit women can be conceptualised as the dispossessed majority. Their educational status too is low; they are unskilled and pushed to occupations that do not offer any social mobility. Dalit women suffer from the complicated double identity of lower caste women among Islam. They suffer major oppression and backwardness due to the changing forms of majority identity politics and religion. Women's reservation discourse has also not engaged with the social specificities of women from dalits, other backward classes, dalit women, dalit Christian women and so on. Conversion to Buddhism in Maharashtra provided self-dignity and new identity because the Ambedkarite discourse of Buddhism challenged the exploitative religion that undermines the rights of the untouchables in general and women among untouchables in particular.

The ideology of caste promotes the proliferations of conflicts among the women belong to different castes. Thus, the solidarity that has to be emerged among the women in India in universal fashion has fragmented in every respect. This divisive nature of social locations of diverse women has eroded the possibilities of affinities on the basis of gender oppression. It undermined the possibility of gendered-political subject among women.

6.3 DISCUSSING COMMUNALISM IN INDIA

Communalism in India interpolates male and female social bodies to be ideology of hatred on the basis of religion and wreaks havoc on the basis of polarisation. Thus, it structures communalised and gendered identities. One has to understand the historical background of communalism in India.

Nationalist movement and League are theorised as the political formations that were communal in nature. It is asserted that nationalism is constructed through revival of culture. For instance, the representations against oppressive foreigners were very much part of the modern Bengali, Urdu, Hindi literature. Colonial agencies also promoted communalism to weaken the nationalist movement. Nationalist leaders such as Gandhi mobilised women during the freedom struggle. But feminists criticise Gandhi and his deployment of women as an indigenous/traditionalist source of resistance against modernity. However, it is argued that Gandhian approach to Hinduism alienated majority and attracted them towards Muslim League. It is important to understand these historical moments to have an understanding about the ideological nature of the nationalist appropriation of Muslims. However, the question of personal law was allowed and Uniform Civil Code was neutralised during the period of Nehru. Thus, it is opined that this period of Nehru could not develop policies on the equality of women.

It is argued that communalism contains the socio-political and economic interests of a particular religious community. The projection of communities through false consciousness represents the reactionary subjectivities. It is related to the vested economic interests of certain communities in the name of religion. It is asserted that communalism creates threat to the affinities on the basis of class and nationalism. The false consciousness that is inherent in communalism subverts the collectivities of class and nationalism in a negative fashion.

The archetypes of communalism dates back to nineteenth and twentieth century; it is linked to the separation of communities on the basis of economic and political interests. It achieved its crude forms during the period of colonialism. It is associated with the self-perceptions of different communities such as Hindus, Sikhs and so on. India is fragmented on the basis of caste, class and region. Scholars argue that their minority status produces contestations within the cultural fabric of the diverse and unequal religious, caste-based communities in India. It is argued that conflicts on the basis of religion increased among different communities. Politicians and other social commentators explore communalism in India through rigid, narrow, heuristically limited categories such as majority communalism and minority communalism. Some of these groups defend minority communalism as an ideological challenge to the majority-based communalism.

It is important to understand the debates that are related to the Shah Bano case to understand the linkages of gender and communalism. The Supreme court of India passed a judgment providing sum of Rs.179 per month as maintenance to 73 year old woman as maintenance from her husband Mohammad Ahmed Khan. This judgment happened in the year 1985. She was forced to leave her husband's house in 1975 and it happened after forty three years of marriage. Her husband stopped paying the maintenance Rs.200 per month in 1977. She applied under section 125 of the Criminal Procedure Code for maintenance. Her demand was that it should be Rs.500 per month. He divorced her and paid her Rs.3000. He paid this money as part of his final settlement. He got order from judicial magistrate that he should pay Rs.25 as maintenance. This amount increased when High Court of Madhya Pradesh ordered him to pay Rs.179.20. He approached the Supreme Court under the personal law. Thus, he argued that he does not have to take responsibility of Shahbano after divorce under Personal Law. However, Supreme Court asked him pay legal costs in addition to maintenance and rejected his appeal. It was considered as a challenge to Personal Law. The Parliament brought out Muslim Women's Protection on Divorce Bill that removed the right of women to appeal for maintenance under the rubric of Criminal Procedure Code. It is argued that women's rights became polarised on the basis of majority and minority –social locations. Muslim Personal Law Board argued that they should not go to courts but approach Shariat courts.

It is also important to understand the debates on the immolation of widows in Rajasthan. An 18 year old girl was immolated on the funeral pyre of her husband at Deorala, Rajasthan. This immolation happened in the year 1987. This horrendous practice of Sati was banned in 1829. But, this incident became to be interpreted as the sign of loyalty of tradition Hindu woman to her husband by the orthodox community. However, the formation of the organisation of community called Sati Dharm Raksha Samity (Defenders of the religious cum ethical principle of Sati) interpreted Sati in a reactionary fashion. They articulated Sati as a practice that symbolises the ideals and honour of warriors. Hindu priests valorised it as a part of tradition, Rajput culture and so on. Feminists criticised it as a heinous crime that questions the self-dignity of women.

It is contended that the aforementioned gruesome incidents act as the testimonies of the relationship between patriarchy, communalism and construction of the identities of women from those communities. Thus, the identities of women are constructed through the symbolic constructions of masculinist, patriarchal Hindu and Muslim community to augment their patriarchal-identity politics. This discourse of governing the social bodies of women is based on the selfish creation of community. Thus, the subjectivity of women is manipulated to erect the category of patriarchal community that is grounded in honour,

bravery and so on. It is relevant here to understand B.R.Ambedkar's analysis on the interlinkages of women and religion. Ambedkar contended that women are the gateways of religion. Defence of personal and Sati is to unleash the ideology of oppressive religion and misogynist community. These debates also reveal the interests of state and their construction of communities. It is observed that state also produced communalised identities by taking value neutral or arbitrary laws that do not challenge the interests of the religious groups. Thus, statusquo is maintained and it has linkages with populist political interests. Responses of the women's organisations against communalism plays vital role in assessing their agency against communalism. *Saheli* newsletter, one of the newsletters produced by an organisation, argued as follows: 'It is we who have to stop believing in Gods and start believing in ourselves, our inalienable rights to a decent life on this earth. Our rituals have to be taken over by actions which leads to this. Our God has to be replaced by our love for humanity and hatred for injustices'. It is also argued that some of the organisations, movements who work for the cause of women were not critical or neutral to the impacts of religion on women. Thus, they could not transcend the ideological milieu of the politics of religious-patriarchal culture.

However, the positioning of secularism as an antidote to communalism created a new modern sensibility that is grounded in equality, amity and so on. But, it is also criticised as the 'sum total of communalism'. In other words, the essence of all religions is tolerated without providing incisive critique on the overall exploitative nature of the religion. It is also argued that the persistence of personal laws based on religion in India hamper the nationhood in India. However, the widening hiatus between the theory and practice is now becoming more visible.

6.4 ETHNIC VIOLENCE

Ethnicity is theorised as the individuals who recognise themselves and are recognised by others. Thus, they also differ from the other groups in the societal order. Simultaneously, they foreground their own identities. Religion, language and politics are the cultural features that are shared by the ethnic groups. They also differ from the social classes due to their embeddedness in the diverse social stratifications. Nature of the ethnic group is assessed in relation to social discrimination. The nature of the category ethnicity is fluid and it impacts shifting group of people across different geographical spaces. Thus, there is an element of forging identities and is linked to the diverse phases of the ethnic communities. Thus, violence is linked to these communities in a different manner.

Violence is the move that creates injury or destruction. In other words, it creates injury and destruction to its object of application. Violence becomes structural when it constructs intended and unintended consequences; where the creators of that situation are uninterested. For instance, structures or systems such as family, industrial complex and so on hide the nature of violence and they can be conceived as systems that perpetuate structural violence. Deployment of violence is analysed on different grounds. Violence is romanticised as well as condemned by different school of thoughts and social theorists. It is important to know the category of violence before engaging with the category of ethnic violence. Georges Sorell, a French social theorist contended that violence has to be understood by engaging with the context and the intentions of those who deploy violence. It is important to understand the context and interests of those people involving in it before the deploring such violence.

It is contended that femicide is a common trend in the social fabric of Guatemala. It is estimated that five thousand women and girls are killed since 2000. The notion of femicide is introduced by the sociologist Diana Russell in the 1970s. According to Diana Russell, it refers to terror activities that are gendered in nature and that results in socially regulated or accepted murder. She argues that it is the “killing of females by male because they are females”. It exists as an extension of the hierarchical culture and emanates violence that is conditioned by the dictates of gender. It is asserted that misogyny in Guatemala is promoted through the patriarchal repressive state apparatus such as military and misogynistic attitudes of the judiciary. This violence against the women is hegemonised through the customary rights that are patriarchal in nature. For instance, Mayan community considers it the right of the men to hit the wife. Thus, there are links between oppression of women or violence against women and ethnicity. It is customary among Mayan communities when new couple get married elders inform those husbands to control their wives. The conscious negation of the violence against women questions the rights and citizenship of women.

Feminist scholars such as Uma Narayan describe the culturally sanctioned violence against women as ‘death by culture’. Scholars such as Susan Okin argue that this sort of oppression of women within their household questions their ‘choices, well-being and lives’. It is observed that Tajik and Afghan women undergo severe forms of oppression that is legitimised through the patriarchal male hegemony of those communities. It is also argued that the West stereotypes and exaggerates the oppression of women in majoritarian countries. The same attitude against women is observed in the asylum for women. Women who belong to particular ethnic communities are undergoing major surveillance from the community as well as the asylum. The notion of oppression, identity and violence becomes crucial in cases of marriages of between members who are traditionally perceived as antagonistic.

It is argued that oppression of the women in Guyana has linkages with the shifts in the employment due to neoliberal policies and growing patriarchal nature of their ethnic/identity politics. Traditionally, Guyana is considered as the land of six races. It is asserted that the emergence of the internal conflicts among races also accelerated the violence against women from respective races.

War is analysed as a discourse that is determined by the conflicts based on identities. For instance, children who are born during the war period are areas of contention for the identity related politics. Those children who are born as a part of the sexual violence during the war are co-opted by the respective governments to accelerate the clashes related to ethnicity. Thus, the debates around the identities of victims condition the questions related to citizenship.

Rape in the conflict-ridden societies is interpreted as the acts of intimidation and terror. It is also associated with the cleaning of a particular ethnic group. These sorts of violence are asserted to impose the ethnic superiority over the other. It is argued that rape in such crisis-ridden geographical situations evoke the sense of purity and shame. Thus, it is used to stereotype the women in the name of purity, chastity and so on. If we historically trace the linkages between ethnicity and oppression of women, it can be seen in the Nazi’ prohibition of relation between Aryans and non-Aryans. Thus, it is based on politics of culture. It is asserted that the forced impregnation of the Bosnian women by the Serbian militia symbolises the gendered oppression and the political construction/imposition of

identities. War babies or the children who are born out of such politically charged exploitation suffer from the loss of their identities, stereotyping of their identities, stigmas and isolation. These children are viewed as the children of rapist father and society perceives them as the offspring of illegal conjugality. Such children who are born in rape are called as “a generation of children of hate” in Bosnia. On the other hand, they are called as “children of shame in Kosova”. These show the linkages between sexual violence, gender, ethnicity and repressive state apparatuses.

Mackinnon equates rape with that of genocide. According to Mackinnon, war is an instrument of the race and rape is the instruments of war. It becomes genocide; Mackinnon asserts that ethnic expansion of race is carried out through forced reproduction. On other hand, scholars like Allen contend that forced impregnation is ‘biological warfare that is prohibited under Article 3 of the International Tribunal as a violation of the laws or customs of war’. The killing of the Kurdish women is argued as the cultural cum political practice which is related to Kurdish nationalism. For instance, honour killing in those regions such as Kurd refurbishes the ties between patriarchy, nationalism and violence.

The broader, hegemonic and general connotations of the term are contested as gendered in every respect. In other words, human security is gendered and it reflects the following aspects. It lacks understanding about the violence against women. Gender inequality in the case of the regulation of the resources is also absent in the hegemonic framework of human security. Women are read as actors than victims in such perspectives. Thus, human security confined its understanding on violence to the multiple apparatuses of state. It negated or sidelined the violence that is inherent in clans, families and communities. Thus, the restoration of power after the conflict only brings order based state. But, it does not undermine the hierarchy and power based on patriarchy. Thus, the gendered violence that happened during the phase of armed conflict-ridden phase of that nation is carried in a hidden manner through the construction of the state. Gendered violence in Timor Leste is not questioned by the community. On the other hand, it is legitimised through the patriarchal community. For instance, the gendered oppression is very much part of their language. For instance, a popular saying is the following, ‘a dish and spoon will hit each other’. This particular proverb legitimises the patriarchal violence.

Women had undergone severe forms of violence during the Armenian genocide. Humiliation that is linked to sexuality was used to oppress the Armenians during this period. Ottoman authorities and Ittihadist supporters killed Armenian leadership and military men. Thus, they expelled those survived Armenians from Anatolia into Syrian desert. It is argued that this phase is that of ethnic cleansing. Forms of gendered violence such as rape, sex, slavery, kidnapping, forced marriage and so on, are thus linked to the ethnic conflicts. The compulsory conversion to religion was also very much part of this political process. It is argued that this violence is ethnic in nature and it is directed against the women to destroy the particular community. Thus, atrocities against women thus become a medium for the ethnic violence. Women survived death through submitting themselves to forced marriages. Attackers during this genocide attacked the wives of renowned Armenian priests, political figures and so on.

There are diverse patterns of the gendered subordination that are very much part of the ethnic violence. For example, Palestinian women are argued as agency of trapped identities. In other words, they are Palestinian women who are oppressed in Israel. Thus

their identities are determined by the nuances of the politics of ethnicity. It is analysed that subordination of these women that is produced through ethnicity proliferates the divisions among women. Thus, it generates new sites of gendered cum ethnic violence.

6.5 SUMMARY

In this Unit, you have learned how caste, communalism and ethnicity create forms of violence. It also shows as how violence is affecting the lives of women who belong to different castes, ethnicities and religious majorities/minorities. This Unit provides national and international transitions in the case of caste, communalism and ethnicity. Thus, it maps the oppression of women through the social worlds based on caste, ethnicity and religion.

6.6 TERMINAL QUESTIONS

1. Examine the concept of caste in India. How does it determine the lives of women?
2. Explain the diverse aspects of communalism and gender relations in India.
3. Do you think the ethnic violence affects women? Illustrate with examples.

SUGGESTED READINGS

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UNIT 7 VIOLENCE AGAINST WOMEN: GLOBAL DIMENSION

Structure

7.1 Introduction

Aims and Objectives

7.2 Violence against Women

7.3 Nature and Forms of Violence

7.4 Causes of Violence

7.5 Types of Violence

7.5.1 Domestic Violence

7.5.2 Wife Beating/Battering Syndrome

7.5.3 Trafficking in Women

7.6 Power and Control Wheel

7.7 Summary

7.8 Terminal Questions

Suggested Readings

7.1 INTRODUCTION

Violence against women is a term used to collectively refer to violent acts that are primarily or exclusively committed against women. The United Nations General Assembly defines “violence against women” as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental or harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.” The 1993 Declaration on the Elimination of Violence against Women noted that this violence including battering, sexual abuse of children, dowry-related violence, rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution, and violence could be perpetrated by assailants of either gender, family members and even the “State” itself (United Nations General Assembly, 1993).

Aims and Objectives

After studying the Unit, you will be able to understand

- Nature of violence against women in developed and developing countries;
- Causes of violence against women all over the world;
- The wheel of Power and Control; and
- Types of violence against women prevalent in all cultures, religions and faiths.

7.2 VIOLENCE AGAINST WOMEN

Some historians believe that the history of violence against women is tied to the history of women being viewed as property and a gender role assigned to be subservient to men and also other women (Penelope Harvey & Peter Gow, 1994). A quick look through the daily newspapers will give us an idea of the epic proportions the phenomenon has taken. Sample some of these facts from around the world:

- At least one out of three women has been beaten, forced into sex, or abused during her lifetime, according to a study based on 50 surveys from around the world. On most occasions, the abuser was a member of the woman's family or someone known to her.
- One woman in four has been abused during pregnancy.
- More than 60 million women worldwide are considered 'missing' as a result of sex-selective abortions and female infanticide, according to an estimate by Nobel Laureate Amartya Sen.
- The World Health Organisation has reported that up to 70% of female murder victims are killed by their male partners.
- Interpersonal violence is another leading cause of death among women between the ages of 15 and 44, in 1998.
- Population-based studies report that between 12 and 25% of women have experienced, attempted or completed forced sex by an intimate partner or ex-partner at some point in their lives.

The UNIFEM Report, "A Life Free of Violence: It's Our Right" (1998) reveals that 3 to 4 million women are battered each year worldwide; one in six women are the victims of rape in industrialised countries and between 16 and 52 percent of women surveyed were assaulted by intimate partners. The same report also reveals that in India, dowry related violence claims the lives of over 5000 women each year.

The Report of the Special Rapporteur on Violence Against Women on the issue of domestic violence in Brazil makes note of the establishment of a Parliament Commission to investigate violence against women in Brazil in 1993; this commission found that 88.8% of the female victims of physical violence were housewives.

- In Kenya, 42 percent of women in the Kissi district reported that they were regularly beaten in their homes.
- In the United States, one woman is physically abused by her intimate partner every nine seconds.
- In the UK, one woman in ten is severely beaten by an intimate partner.
- Studies in Canada show that women are more likely to be murdered by an intimate partner than by a stranger.

And, in India, according to the National Crime Records Bureau's (NCRB) 2005 Crime Clock, there is:

- 1 crime committed against women every three minutes
- 1 molestation case every 15 minutes
- 1 sexual harassment case every 53 minutes
- 1 kidnapping and abduction case every 23 minutes
- 1 rape case every 29 minutes

And those are only the reported and recorded statistics. Further,

- Four out of 10 women in India have experienced violence in the home.
- 45% of women have suffered at least one incident of physical or psychological violence in their life.
- 26% have experienced at least one moderate form of physical violence.
- More than 50% of pregnant women have experienced severe violent physical injuries.

According to the NCRB, approximately 6,000 women are killed in India every year because of dowry. Unofficial estimates are as high as 15,000 deaths a year. In other words, between 16 and 40 women die every day because of dowry.

Shocking as these figures are, they are actually a gross underestimation of the actual situation, because crimes against women are highly under-reported. In India, there are 496,514,346 (2001 Census of India) girls and women. If all of them experience sexual harassment just once a year, and report it, the figure would be staggering.

Undoubtedly, violence against women is not limited to the traditional form of beating, raping or murdering. New modes of victimisation are constantly emerging. Violence starts before birth and continues over the lifecycle. There are several forms of violence that constitute a violation of women's right to live with dignity and self respect. These include rape, incest, domestic violence, widow immolation, female foeticide and infanticide, trafficking in women, sexual harassment, molestation, eve-teasing, witch hunting, dowry deaths, honour killings, female genital mutilation, infibulations, acid attack, the increasing instances of stripping and parading of women and so on. The list is endless. Overt violence is more often than not accompanied by covert violence in the form of general discrimination, subjugation and neglect of women. As a matter of fact, covert violence is more widely prevalent for it is impossible to identify and quantify and remains invisible.

Progress of South Asian Women, 2005 categorises violence against women into various categories which include:

- Overt physical abuse (battering, sexual assault, at home and in the workplace) and psychological abuse.
- Exploitation of women's labour (non payment or underpayment for labour and denial of benefits in the formal sector; sexual division of labour in the home leading to multiple burden on women).
- Deprivation of access to and control of resources for physical, social and economic development (health/nutrition, education, means of production, etc.) to keep women dependent.

- Oppression through cultural and religious practices (sati, honour killings, etc.).
- Commodification of women (trafficking, prostitution, pornography).

Paul Valley poignantly observes, “These are some of the things that can get a woman killed wearing make up, going to the cinema, chewing gum; drinking water in the street; chatting to a male neighbour; talking on the phone; talking to someone of a different race; having a man request a song for you on the radio; publishing love poetry; rejecting an arranged marriage; demanding a divorce; being raped; having an unsuitable boyfriend or getting pregnant.” He further asserts, “Every year, a total of 5,000 women across the world are killed by their relatives in so called “honour killings”, because they were said to have brought shame in their families.” However, the basic causes of violence against women are not as simple as that. The cause is deeper and more difficult to pinpoint, for it is embedded in the very structure of society, so much so that women themselves have become a part of it.

The United Nations Declaration on the Elimination of Violence against Women regards the “unequal power relations” as the cause and core of violence against women. It is these which have “led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women in one of the crucial social mechanisms by which women are forced into subordinate position compared with men.”

Among the crimes rape, molestation, sexual harassment, murder and dowry deaths are reported more frequently than dacoity, arson or counterfeiting. The frequency and intensity with which violence against women is perpetuated is no less than the ‘terrorist’ attacks India is experiencing. What makes violence against woman more dangerous is the fact that the State, on several occasions, chooses to ignore violence against women as something that happens within the ‘private’ sphere of the family, something not of ‘public’ significance, and thus non-deserving of State intervention.

A woman is violated because of being a woman, which means her gender is the reason why she is being violated. For example, if a woman faces domestic violence because she does not follow the ‘traditional’ role of a wife. A woman is being violated *as* a woman; it is the form of violation that is sex/gender-specific. For example, being raped is very gender-specific. Although men also get raped, it is primarily women who are at the receiving end of sexually-penetrative violence. Gender can be considered to be a risk factor that makes a woman’s fear of being violated more acute than that of a man in similar circumstances.

7.3 NATURE AND FORMS OF VIOLENCE

The nature and forms of violence is intertwined with physical, mental and psychological levels. Violence against women includes, but is not limited to:

Psychological violence: Encompasses various tactics to undermine a woman’s self-confidence such as yelling, insults, mockery, threats, abusive language, humiliation, harassment, contempt and deliberate deprivation of emotional care or isolation.

Physical violence: The most obvious ranges from pushing and shoving to hitting, beating, physical abuse with a weapon, torture, mutilation and murder.

Sexual violence: Any form of non-consensual sexual activity (i.e., forced on a person) ranging from harassment, unwanted sexual touching, to rape. This form of violence also includes incest.

Financial violence: Encompasses various tactics for total or partial control of a couple's finances, inheritance or employment income; it also includes preventing a partner from taking employment outside the home or engaging in other activities that would lead to financial independence.

Spiritual abuse: Works to destroy an individual's cultural or religious beliefs through ridicule or punishment, forbidding practise of a personal religion or forcing women or children to adhere to religious practices that are not their own, etc.

Intimidation: Intimidation as a form of violence can include making women afraid by using looks, actions and gestures; by destroying their property or by displaying weapons.

Isolation: Isolation can be used to control and limit what woman does, whom they see and where they go.

Using privilege: Using privilege to control is also a form of violence. By treating a woman or child like a servant and having the last word about everything, the abuser is acting like a master. He is defining and rigidly abiding by the traditional roles of men and women.

All violence does not have to be blood and gore. It can also be very subtle. A person can make a contemptuous gesture, swear or pass a lewd remark, make an obscene gesture with the hands, whistle or leer at another. Even if such exchanges are fleeting, they leave their mark. Violence against women can take physical, psychological as well as sexual forms — thus the above categories overlap and are not mutually exclusive. It needn't always take the form of overt acts of bodily violence but can also be manifested through deprivation, neglect or discrimination. For example, physical violence by an intimate partner is often accompanied by sexual violence, deprivation, isolation, neglect as well as psychological abuse.

7.4 CAUSES OF VIOLENCE

The UN has identified six underlying causes of Violence against women:

Historically unequal power relations: The political, economic and social processes that have evolved over many centuries have kept men in a position of power over women.

Control of women's sexuality: Many societies use violence as a way to control a woman's sexuality, and likewise in many societies violence is used to punish women who exhibit sexual behaviour, preferences and attitudes that violate cultural norms.

Cultural ideology: Culture defines gender roles and some customs, traditions and religions are used to justify violence against women when women transgress these culturally assigned roles.

Doctrines of privacy: The persistent belief in many societies that violence against women is a private issue seriously impedes attempts to eradicate this violence.

Patterns of conflict resolution: Links have been identified between violence against women in the home and community in areas that are in conflict or that are militarised.

Often, heightened insecurity means that tensions within the home are more pronounced and can contribute to the perpetuation of violence against women in the family. Equally, because eyes tend to be on the conflict, women's suffering is often overshadowed. Violence against women is also frequently used as a formal military tactic.

Government inaction: Government negligence in preventing and ending violence against women establishes a tolerance of violence against women throughout the community.

7.5 TYPES OF VIOLENCE

7.5.1 Domestic Violence

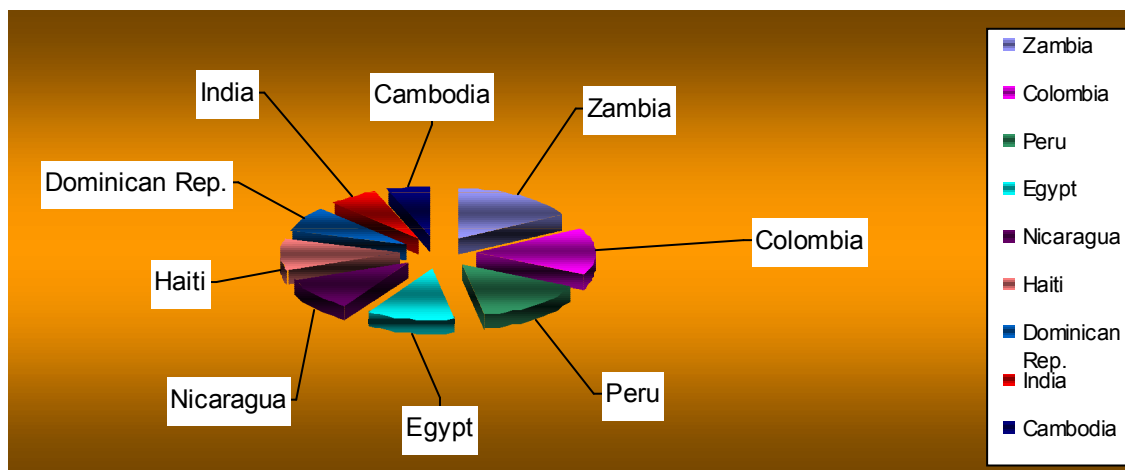
The phenomenon of domestic violence remains one of the most prevalent yet largely 'invisibilised' forms of violence in the public domain. It is a manifestation of inequality within the home. Contrary to the general belief, violence faced by women in intimate relationships which is commonly called "Intimate Partner Violence" or (IPV) is neither restricted to certain social sections nor is it manifested only in its physical form. Domestic violence occurs in many forms - physical, emotional, sexual, economic, verbal and others, and a woman may face violence in any one, two or in combination of all of them. A woman may face this cycle of violence as a daughter, a sister, a wife, a mother, a partner, or a single woman in her lifetime.

Domestic violence is not always physical. It can involve behaviour that causes psychological harm or attempts to maintain power and control through coercion or intimidation. Name-calling, humiliation, constant criticism, attempts to isolate a woman from her friends or family, extreme jealousy, restrictions on personal freedom, tight control of family finances, and threats of physical harm are all markers of an abusive relationship. Abuse does not have to happen every day or every week for it to be classified as domestic violence. The impact of domestic violence in the sphere of total violence against women can be understood through the example that 40-70% of murders of women are committed by their husband or boyfriend. In unmarried relationships this is commonly called dating violence, whereas in the context of marriage it is called domestic violence.

Though this form of violence is often portrayed as an issue within the context of heterosexual relationships, it also occurs in lesbian relationships, daughter-mother relationships, roommate relationships and other domestic relationships involving two women. Violence against women in lesbian relationships is about as common as violence against women in heterosexual relationships (Girshick, Lori, B., 1500-1520). Violence against women by women also exists outside the sphere of relationship violence, probably even less research has been done on this subject. Domestic violence is the most common form of gender-based violence. In every country where reliable, large-scale studies have been conducted, between 10 to 69 percent of women report they have been physically abused by an intimate partner in their lifetime (Heise L., Ellsberg M., Gottemoeller M., 1999)

Profiling Domestic Violence: A Multicountry Study, Calverton, Maryland showed the prevalence of domestic violence in Zambia (48%), Columbia (44%), Peru (42%), Egypt (34%), Nicaragua (30%), Haiti (29%), Dominican Republic (22%), India (19%) and Cambodia (17%), which is given below in the chart:

Chart 7.1 Prevalence of Domestic Violence in Different



Note : Percentage of Women ages 15-49 ever beaten by a spouse or partner. Beaten includes having been hit, slapped, kicked or physically hurt.

Source: Kishor, S. and K. Johnson, 2004.

Studies on violence against women indicate that:

- The perpetrators of violence against women are almost exclusively men.
- Physical abuse in intimate relationships is almost always accompanied by severe psychological and verbal abuse. In 1 out of 4 cases of domestic violence, women will also experience sexual abuse.
- Women are at greatest risk of violence from men, they know. In Australia, Canada, Israel, South Africa and the United States, 40-70 percent of female murder victims were killed by their partners. (Krug, E. et al. eds., 2002)

7.5.2 Wife Beating/Battering Syndrome

Violence within the home is universal across culture, religion, class and ethnicity. The abuse is generally condoned by the social custom and considered part and parcel of marital life. An example of this can be seen through the gist of a popular Spanish riddle: Question: "What do mules and women have in common? Answer: A good beating makes them both better."

Many men and women believe wife-beating is justified. The shame associated with domestic violence, rape and other forms of abuse may contribute to the fact that women often suffer it in silence, afraid of repercussions and stigma, and never tell anyone.

The statistics reveal grim picture of the realities prevalent in developing and developed countries alike: In the United States a woman is beaten every 18 minutes; between 3 million and 4 million are battered each year, but only 1 in 10 cases is ever reported. In United Kingdom, 1 in 3 families is a victim of assault and 1 in 5 a victim of serious assault, according to a recent report by the home office. In Australia, in 59% of 1500 divorce cases, wife beating is cited as a cause in the marital breakdown.

In India the records of National Crime Bureau, Ministry of Home Affairs, Government of India revealed a shocking 71.5% increase in cases of torture and dowry deaths. In Bangladesh, half of the 170 reported cases of women murdered within the confines of the homes.

The World Report on Violence and Health, WHO, 2002 clearly shows the proportion of physically abused women who sought help from different sources regarding violence in homes. (Refer to World Report on Violence and Health, Geneva: WHO, 2002).

Other widespread forms of violence also have devastating impacts:

- Systematic rape, used as a weapon of war, has left millions of women and adolescent girls traumatized, forcibly impregnated, or infected with HIV (Human Rights Watch, 2002)
- In Asia, at least 60 million girls are 'missing' due to prenatal sex selection, infanticide or neglect (UNFPA).
- Female genital mutilation/cutting affects an estimated 130 million women and girls. Each year, 2 million more undergo the practice. Violence against women also takes the form of other harmful practices – such as child marriage, honour killings, acid burning, dowry-related violence, and widow inheritance and cleansing (both of which increase HIV risks) (Watts and Zimmerman, 2002).

7.5.3 Trafficking in Women

Forced prostitution, trafficking for sex and sex tourism appear to be growing problems. Each year, an estimated 800,000 people are trafficked across borders – 80 per cent of them are women and girls. Most of them end up trapped in the commercial sex trade. This figure does not include the substantial number of women and girls who are bought and sold within their own countries, for which there are scant data (United States Department of State, 2005).

Reports of trafficking in women come from nearly every world region. The greatest number of victims are believed to come from Asia (about 250,000 per year), the former Soviet Union (about 100,000) (IOM Kosovo), and from Central and Eastern Europe (about 175,000). An estimated 100,000 trafficked women have come from Latin America and the Caribbean, with more than 50,000 from Africa (International Organization for Migration (IOM), 2001). War, displacement, and economic and social inequities between and within countries, and the demand for low-wage labour and sex work drive this illicit trade in women (Watts and Zimmerman, 2002).

7.6 POWER AND CONTROL WHEEL

After going through different causes and forms and different data presented by different studies in developed as well as in developing countries, the Power and Control Wheel which identifies the most common tactics their (women's) abusers used to control them can be prepared. The hub of the wheel, the centre, is the intention of all the tactics – to establish power and control. Each spoke of the wheel represent a particular tactics (economic abuse, emotional abuse, isolation, and so forth). The rim of the wheel, which gives it strength and holds it together, is physical abuse.

Battering not only consists of seemingly isolated acts of individual abusers but also encompasses a much larger system of actions of abusers and the community institutions which support woman abuse. Although physical violence may occur only occasionally in a battering relationship, batterers daily use the abusive tactics which make up this large system.

Men who batter their partners shift tactics according to what they believe will work in a given situation, the mood they are in, the response they are looking for from their partner or the environment in which they are attempting to exercise control. For example, an abuser may use violence in private, but in public may use certain glare, a threatening gesture, or a humiliating remark. The abuser employs tactics not only to gain his partner's submission to a specific demand, but also to establish a relationship that he can rely upon in the future. These tactics appear to be random and unexplainable, but in the context to establish power in a relationship, random acts of violence are fully explainable.

7.7 SUMMARY

In the end we can conclude by John Stuart Mill's statement ".....the wife: however brutal or tyrant she may fortunately be claimed to-though she may know that he hates her, though it may be his daily pleasure to torture her, and though he may feel it impossible not to loathe him (he) can claim from her and enforce the lowest degradation of a human being, that of being made an instrument of an animal function contrary to her inclinations."

In every country where reliable, large-scale studies have been conducted, results indicate that between 16 and 52% of women have been assaulted by their husbands/partners. These studies also indicate widespread violence against women as an important cause of morbidity and mortality. As discussed in this Unit, these physical attacks may include rape or sexual violence. Psychological violence includes verbal abuse, harassment, confinement and deprivation of physical, financial and personal resources. For some women emotional abuse may be more painful than the physical attacks because they effectively undermine women's security and self-confidence.

7.8 TERMINAL QUESTIONS

1. What are the main causes of violence against women?
2. Discuss various types of violence against women.
3. Write short notes on:
 - (a) Domestic Violence
 - (b) Power and Control Wheel.

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UNIT 8 CASE STUDIES

Structure

8.1 Introduction

Aims and Objectives

8.2 Nationwide Anti-Rape Movement & Campaign against Sexual Harassment at Workplace

8.3 Anti-Dowry Agitation

8.4 One Stop Crisis Prevention Centre for survivors of Domestic Violence in Mumbai

8.5 Efforts of National Alliance of Women's Organisation (Orissa) and Prerana (Mumbai) to Stop Trafficking of Women

8.6 CASSA's Crusade against Female Infanticide and Pre Birth Elimination of Girls

8.7 Campaign Against Child Labour

8.8 Summary

8.9 Terminal Questions

Suggested Readings

8.1 INTRODUCTION

Violence against women (VAW) has become a central issue in the discourses of the women's movement in South Asia in the 21st century. Women's networks in the region have taken up wide range of issues concerning violence against women in their personal lives as well as systems and structures perpetuating it. "Personal is political", a slogan popularised by three decades of women's movement in the last century signifies consistent campaigns against all forms of violence in women's intimate/personal and public/societal spheres. The South Asian region is experiencing wide range of violence against women at different stages of their lives, from womb to tomb, as a result of modernisation and commercialisation of subsistence economies, family-ties becoming less supportive, increasing migration, demanding work (shift from just-in-case approach to just-in-time approach of the production processes) and resultant sectarian vested interests manifesting through identity politics and honour killing. During the 1980s, women's rights organisations mushroomed in South Asia and have focused their attention on VAW. They organised rallies and demonstrations, sit-ins and conventions, seminars and conferences, which culminated into politics of protest movements and petitioning. In the 1990s, the women's groups consolidated their base by finding their allies in the state apparatus and created their institutional base and shelter homes of children and women survivors of violence. In this Unit, the effort is made to examine processes, methods of dealing with violence against women and evolving long term strategies to prevent violence against woman in the public and private arena through case studies.

Aims and Objectives

After studying this Unit, you will be able to understand

- Manifestation of violence against women;
- Socio-economic, historical, cultural and political contexts of violence against women;
- Responses of women at individual and collective levels;
- Short term and long term measures to combat violence against women; and
- Relevance of Gandhian Legacy for preventing violence against women.

8.2 NATIONWIDE ANTI-RAPE MOVEMENT

Women's rights movement in India gained a national character with an anti-rape movement in 1980. Its genesis lay in the excesses committed by the state repressive machinery during the Emergency Rule in India from 1975 to 1977. For many middle class women it came as a major shock. In the post-emergency period, civil liberties organisations also highlighted rape of women in the police custody, mass rape of poor, untouchable and Muslim women during caste and communal riots and sexual molestation of tribal women by Central Reserve Police (CRP), State Reserve Police (SRP) and other para-military forces. The print media gave an enormous coverage to the testimonies of women victims of sexual violence. Many began to question the powers given to the police and State authorities in the control of people's lives. In 1980, when the Supreme Court of India gave its verdict on the Mathura Rape Case, there was a national outcry.

Mathura, a teenage tribal girl was raped by two policemen, in the police station at dead of night while her relatives were weeping and wailing outside the police-station. The legal battle began when a woman lawyer, Advocate Vasudha Dhagamwar took up her case immediately after the event in 1972. The Sessions Court blamed Mathura for being a woman of "an easy virtue", and the two policemen were released. In the High Court Judgement, the accused were given seven and half years imprisonment which was reverted by the judgement of the highest legal authority-The Supreme Court of India. It held that Mathura had given a wilful consent, as she did not raise any alarm.¹ The resulting nationwide anti-rape campaign in 1980 demanded reopening of the Mathura Rape Case and amendments in the Rape Law. Prominent lawyers took up the issue, as did the national and regional language press. New groups of women were formed around this campaign. They organised public meetings and poster-campaigns, performed skits and street-theatre, collected thousands of signatures in support of their demands, staged rallies and demonstrations, submitted petitions to MLAs and the Prime Minister, and generally alerted the public to the treatment meted out to the rape victims. The initiative came from the middle class, educated and urban women. Later on, the political parties and the mass organisations also joined the bandwagon.

Debates on Reforms in the Rape Laws

The demand of the amendments in the Rape Law touched wide variety of issues concerning social construction of sexuality that reflected in the assumptions in the law and in the civil society about women, past sexual history of the rape victim, procedures of the criminal justice system-First Investigation report (FIR), inquest, medical examination, rights of women in custody-in India. Debates and discussions amongst the feminists and the

democratic rights activists on gang-rape, custodial rape, rape in the family, burden of proof, etc were reflected in their petitions and pamphlets. When the national conference on 'Perspective for Women's Liberation Movement in India' was held in Bombay in November 1980, the proposed rape bill was the most controversial issue. As a result of rigorous debate amongst the feminists, it was resolved that demands of the women's organisations should be as follows:

1. A woman should be interrogated only at her dwelling place.
2. During interrogation by a police officer, a woman should be allowed to have a male relative or friend or women social workers present with her.
3. Women who are detained in custody should be kept in a separate lock-up meant for women only. If there is no such lock-up available then the women should be kept in children's or women's home meant for the protection and welfare of women.
4. The medical report of a rape victim should state the reasons for arriving at the conclusion and should be forwarded without delay to the magistrate to avoid possibility of tampering.
5. During a trial of rape, the past sexual history of the rape victim should be excluded from the evidence.
6. A police officer who refuses to record a complaint should be guilty of an offence.
7. Section 375 of the Indian Penal Code which clarifies that the consent of the woman in order to be considered as consent must be absolutely free and voluntary must be amended in view of the Mathura case.
8. The provision about 'burden of proof' in Section 111a of the Indian Evidence Act must be changed and it should be added that in cases where the accused in a rape trial is a public servant, police officer, superintendent or manager of a jail or hospital or remand home, where sexual intercourse is proved and the woman makes a statement on oath that she did not consent to the sexual intercourse, then the court shall presume that she did not consent.

The last point raised a major controversy as many feminists felt that in all cases of rape the burden of proof should be on the accused and not on the victim, given the nature of the offence, the dominant position of men over women and the impossibility of proving lack of consent except by stating that she did not consent. While women activists from the background of the mass movements felt that such provision could be abused to victimise the male members of the trade-unions by the management and the male activists of the dalit, tribal and peasant organisations by the local vested interests.

The existing rape laws do not recognise the unequal power relations between the rape victim and the rapist. The victim is not given a choice to get her voice heard by her own lawyer. She faces sexist biases and hostility at every step- inside the family, within the community, at the police station, at the time of medical examination in the government hospital and in the court-rooms. The criminal justice system expects the victim not only to get over the trauma and be calm and composed at the time of prosecution but also shed all her inhibitions and give a vivid description of the event in the court-room. After the act of rape, if the victim washes herself (but naturally), important evidence will be lost. In this situation, the women's movement and the concerned authorities need to direct their

energies to amend the procedures so that the case can be handled speedily and the victim does not face humiliation at the hands of the administration that is known for its inertia, indifference and antipathy towards women. Attitude of the judges in cases of rape is another deplorable area. Some feminist lawyers have put forward a demand of special courts for rape trials to ensure speedy dispensing of justice. Majority of judgements in rape cases are coloured by the preoccupation of the judges with 'past sexual history' of the victim and their notions of 'virginity', 'purity' and 'chastity' of women. Gender-sensitisation programmes for judges must be given top priority by the state.

About redefinition of rape there is a consensus among the women's rights groups that 'rape', 'attempt to rape' and 'violating women's modesty' as they are defined at present must be clubbed together under the heading of 'sexual offence'. It is also suggested that the redefinition of rape must be brought out of the patriarchal confines where 'penetration of penis' only is taken into consideration while defining rape.

Women's groups demand to make a criminal offense is covered in the Prevention of Domestic Violence Act, 2005. Nature of punishment for rape and demand of monetary compensation to the victim have been highly controversial issues around which no consensus is found. Women's groups providing support to women in distress have found that sexual assault by husband is the most common and blatant form of rape. Many experienced lawyers have expressed their concern over the fact that stringent punishment codified in the law results in fewer convictions. While the women's groups have always demanded higher punishment in rape-cases, some women's groups have asked for a compulsory monetary compensation either from the state or the culprit looking at the fact the rape victim faces tremendous social stigma, employers shun her and in most of the cases even her own family disowns her. After three decades of collective struggle against rape, most of the women activists are feeling that they have reached a square one position so far as changing the situation of rape victims or prevention of rape is concerned.

An international campaign initiated by Centre for Global Issues and Women's Leadership to include 'violence against women as violation of human rights' in the UN Charter on Human Rights has become a rallying point for women's rights organisations in India. In the context of the recent developments in Somalia, Bosnia and India, this campaign is also focusing on the issue of 'Rape as a war-crime'.

Campaign against Sexual Harassment at Workplace

During the 1990s, the most controversial and brutal gang rape at the workplace involved a Rajasthan state government employee who tried to prevent child marriage as part of her duties as a worker of the Women Development Programme. The feudal patriarchy who were enraged by her (in their words: "a lowly woman from a poor and potter community") 'guts' decided to teach her a lesson and raped her repeatedly. After an extremely humiliating legal battle in the Rajasthan High Court the rape survivor did not get justice and the rapists - "educated and upper caste affluent men" - were allowed to go free. This enraged a women's rights group called Vishakha that filed public interest litigation in the Supreme Court of India.

Before 1997, women experiencing Sexual Harassment at Workplace had to lodge a complaint under Section 354 of the Indian Penal Code that deals with the 'criminal assault of women to outrage women's modesty', and Section 509 that punishes individual/ individuals for using a 'word, gesture or act intended to insult the modesty of a woman'.

These sections left the interpretation of ‘outraging women’s modesty’ to the discretion of the police officer. In 1997, the Supreme Court passed a landmark judgment in the Vishakha case laying down guidelines to be followed by establishments in dealing with complaints about sexual harassment. The court stated that these guidelines were to be implemented until legislation is passed to deal with the issue.

Definition of Sexual Harassment at Work

The Supreme Court directive of 1997 clearly and unambiguously provides an answer to the question ‘What is sexual harassment?’

As defined in the Supreme Court guidelines (Vishakha vs State of Rajasthan, August 1997), sexual harassment includes such unwelcome sexually determined behaviour as: Physical contact, a demand or request for sexual favours, sexually coloured remarks, showing pornography and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature, for example, leering, telling dirty jokes, making sexual remarks about a person’s body, etc

The Supreme Court directive provided the legitimate space for the hidden truth about SHW to surface; earlier one only heard about victim-blaming, witch-hunting and blackmailing. Now women are fighting back tooth and nail. The electronic and print media have become extremely responsive to the issue of SHW. Pursuant to this, the Government of India asked National Commission for Women (NCW) to draft the bill. A number of issues were raised regarding the NCW draft, until ultimately, a drafting committee was set up to make a fresh draft. Several women’s organisations are part of this committee, including Majlis from Mumbai. Particular concern, whilst working out the draft, had been to include the unorganised sector and to incorporate provisions of the labour law. The bill to be introduced in Parliament is known as the Sexual Harassment of Women at the Workplace (Prevention and Redressal) Bill, 2004. The bill provides for the prevention and redressal of sexual harassment of women at the workplace, or arising during and in the course of their employment and matters connected thereto, in keeping with the principles of equality, freedom, life and liberty as enshrined in the Constitution of India, and as upheld by the Supreme Court in Vishakha vs State of Rajasthan [1997(7) SCC.323] and as reflected in the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) which has been ratified by the Government of India.

8.3 ANTI-DOWRY AGITATION

The Commercialisation of Culture and Commodification of man-woman relationship finds its bizarre form in dowry murders. The situation is worsening day by day as the effects of globalisation have been insatiable consumerism, greed, egotism and hedonism taking advantage of patriarchal bias and subordination. It was in the late 1970s that women’s groups in Delhi challenged values of consumerism, hedonism and “get rich quick” by hook or crook promoted by the upwardly mobile grooms and in-laws who treated lives of newly wedded bride as disposable. Patriarchal control over women’s sexuality, fertility and labour uses weapon of dowry to deny “right to dignified” life to women of Indian origin. In the marriage market, values of commodification of women mirror in the escalating demands and violence related to dowry. Even the advertisements of financial and insurance corporations also advocate “Save for son’s Education and Daughter’s Dowry”.

Women’s rights movement in India experienced that culture of ostentations Marriages, status consistency; endogamous arranged marriages are closely linked to demand of

dowry. Dowry is a weapon in the hands of husband and in-laws to keep married women in the continued state of humiliation, terrorisation and degradation. Fear of dowry harassment has been given as a major reason for female infanticide and pre-birth elimination of girls through sex selective abortions. In 2001, India had the lowest child sex ratio in the history of Census in India: 927 girls for 1000 boys in 0-6 age group. Doctors also advertise sex selective abortions or pre-selection with the help of New Reproductive Technologies (NRTs) as a solution to Dowry problem. They crudely declare “Better Rs. 500 now than 5 lakhs later”. Nation-wide reported cases of dowry-deaths have gone up to 16995 in 2010 from 389 registered cases in 1982 as per National Crimes Records Bureau. Actual cases are 10 times more. Children’s future and fear of retaliation are main factors for non-reporting of dowry harassment and dowry murders which are passed as ‘accidental deaths’. Articulation of NRI Diaspora in the West is mirrored in Veena Oldenburg’s essay that conveys: “the old custom of dowry has been perverted from a strongly spun safety net twist into a deadly noose”. Feminists state that dowry is a reflection of subordination of women and non-recognition of women’s social production and work for unpaid care economy. Women’s rights groups have challenged power equation, Dowry + Bride = Groom. Ideology behind Dowry that gifts/ cash is given by bride’s side to grooms side to shoulder a burden of a “parasite/ worthless woman” is challenged by the feminist discourse. According to Research Institute for Development Communication, 85 % of dowry deaths and 80 % of dowry harassment occurs in the middle class. Participatory action research and data base of women’s groups providing support to dowry victims reveals that it has penetrated in each and every community, tribe, caste, class and religious group. Educated men demand more dowries. ‘Educated Grooms for Sale’ does not shock the masses due to raw nexus between matrimony and money. The rich, elite and the business class set the standard. The price of the Indian groom all over the globe astronomically escalates with his profession, qualification and income. Doctors, scientists, chartered Accountant, engineers and IAS/ IPS/ IFS officers get divine right to demand dowry even prior to completing their course as dowry’s close proximity to corruption, politics and business. Famous dowry murder cases around which massive agitations took place were Manjushree Sharad Sarda Case and Vibha Mishra Case.

Dowry haunts the lives of young Girls. ‘4 sisters in Palghat committed suicide’, ‘3 sisters poisoned each other in Punjab’, ‘3 sisters in Kanpur killed themselves by hanging on three wings of a ceiling fan’, ‘Every 12 hours, a bride is burnt in Delhi’- we are used to seeing such headlines in the national newspapers.

Among the younger generation, now we are witnessing a new trend due to U shape curve phenomenon of increasing work participation of women. A young bride cancelled her marriage in Delhi in 1997. Now, many women come forward to refuse marriage with dowry demanding groom. Protest Rallies by Women’s Groups echo the following slogans:

- *Brides are not for Burning*
- *Eliminate Dowry, not daughters*
- *Dowry is degrading, blot on civilisation*
- *No dowry, no bride-price*
- *No commercialisation of matrimony*
- *Foundation of marriage should be love and mutual respect.*
- *Say no to war against brides, peace begins from home.*

8.4 ONE STOP CRISIS PREVENTION CENTRE (DILAASA) FOR SURVIVORS OF DOMESTIC VIOLENCE IN MUMBAI

Dilaasa is the first hospital-based crisis centre in India, started in August 2000, designed to respond to the needs of women facing violence within their homes and families. It is a joint initiative of the Public Health Department of the Brihanmumbai Municipal Corporation (BMC) and the Centre for Enquiry into Health and Allied Themes (CEHAT), research centre of Anusandhan Trust. *Dilaasa* is the first attempt in India to sensitise the public health system to domestic violence. The goals of this partnership between CEHAT and the BMC are - (1) institutionalise domestic violence as a legitimate and critical public health concern within the public hospital system and (2) build capacity of hospital staff and systems to adequately and sensitively respond to the health needs of the victims. *Dilaasa* provides social and psychological support to women survivors of violence and helps them rebuild their lives. In the last five years, *Dilaasa* has supported over 1200 women. Through its ongoing training activities, it has trained over 80 hospital staff as trainers on gender and violence issues, out of which 35 have formed a training cell. In 2006, the BMC has set up another crisis centre at Bhabha Hospital Kurla which also has trained counsellors who provide the required counselling services to survivors.

In the first year, the team carried out short studies to understand the hospital procedures and systems. The focus of *Dilaasa* is to ensure that every episode of violence inflicted on a woman gets recorded and she receives emotional support. The woman may or may not seek police/legal action but the record would help her whenever she decides to take action. The medico-legal register in the casualty is the record that documents suspected cases of violence. As mentioned earlier, all cases of reported assaults, poisoning, burns, patients brought by police, accidents coming to the casualty are recorded in this. But those coming to the OPD go unreported unless the patient insists on making a Medico-legal case (MLC). Considering that the casualty deals with serious injuries, the MLC register only touches the tip of the iceberg. Women coming to the OPD with less serious injuries do not even get recorded as MLCs.

The aim is to sensitise doctors so that women coming to the casualty and the OPD would be screened by them for domestic violence and would be referred to *Dilaasa* for social and psychological support. One of the main functions of this project is therefore training of the entire hospital staff on gender and violence issues and train the health professional to develop an integrated approach to responding to women suffering from it. The doctors are trained to understand the important role that they play in documenting and treating women who suffer from domestic violence. A group of hospital staff has been trained intensively on this issue and they conduct training of the rest of the hospital staff. The centre operates as one of the departments of the hospital and referral slips have been kept in all OPDs and casualty. *Dilaasa* collaborates with Majlis and Lawyers Collective to provide legal help for women. For women whose safety is in danger, the hospital has provision for temporary shelter for 24 hrs through admission. After a decade of successful functioning, *Dilaasa* team is helping 6 states to replicate this model. Experiences of *Dilaasa* have helped in enactment of Prevention of Domestic Violence Act, 2005 and its rules.

8.5 EFFORTS TO STOP TRAFFICKING OF WOMEN

National Alliance of Women's Organisation-NAWO (Orissa)

NAWO has been consistently conducting anti-trafficking campaign that involves whistle blowing, tracking trafficked women and their rehabilitation. In the post-super cyclone period commencing from 2000, Project Swarajya has been conducting a campaign against trafficking of women and children in the coastal districts of the State. The main activities of the campaign were spread in 3 Blocks and two Municipalities covered under the two Districts namely, Kendrapara and Cuttack. Specifically speaking, the campaign was undertaken in Mahakalapara and Marshaghai Blocks and Kendrapara Municipality under Kendrapara district and Cuttack Sadar Block and Cuttack Municipality under Cuttack district. The campaign against the trafficking of women and children is conducted with the support of a network called Jajnyaseni. An exhibition-cum-awareness campaign stall is put up by the inmates of Swarajya Short Stay Home during Car Festival at Ichhapur, Rath Danda, Kendrapara. The focus of the campaign was compulsory registration of marriage.

The following activities were done:

- Raising Awareness among the public on the issue on trafficking of women and children.
- Distribution of posters and leaflets, display of banners and audio-visual presentation on women trafficking
- Pala (a folk medium of poems and songs performed by a team) was held on the topical issues.
- Teddy Bears, toys and other items produced by the inmates of Swarajya Short Stay Home were also exhibited and marketed by them.

NAWO involves the government organisations also in “Observation of Anti-trafficking Week” every year. A campaign week is observed by the organisation during Baliyatra Festival at Cuttack with a focus on ‘Dissemination of Information’. Information on laws concerned with women and human rights were disseminated during the campaign week. Specifically the following activities were done:

- A stall was opened for 10 days disseminating information on various laws related to women and children and their human rights.
- Pala (a folk medium of songs and music performed by a team) and role play/street play were conducted. The role play mainly centered round the issues like women trafficking, compulsory registration of marriage, domestic violence against women, HIV/AIDS and female foeticide etc.

Organisation of Youth Camp to Prevent Trafficking

A District-level Youth Camp on Trafficking against Women and Children was organised by Project Swarajya in collaboration with Marshaghai College on 23rd January 2008 in the Conference Hall of Marshaghai College at Marshaghai in Kendrapara district. The objective of the camp was to sensitise the youth and commit them to get involved in the activities for prevention of the evil practice of trafficking of women and children for sexual and commercial exploitation which is fast spreading in rural areas of coastal Orissa. The participants were mainly the students of Marshaghai College and Bayababa College and

Volunteers of NYK, NSS and Youth Clubs. Above 200 students and lecturers participated in the Programme.

Experiences of Prerana, an organisation based in Red Light Area of Mumbai

Prerana is battling prostitution in Mumbai through an aggressive multi-pronged attack that combines service provision, policy advocacy, and legal activism directed at cutting off supply. Prerana works with those in the trade to provide them with life choices enabling them to quit. It also challenges the inevitability of generational prostitution by enabling the children of prostitutes to opt for other professions. And by engaging an ever-expanding circle of national-level stakeholders, Prerana is placing formidable obstacles to trafficking operations. This concerted blitzing of supply points is designed to deal a body blow to a lucrative trade. BMC has provided all facilities to Prerana in terms of administrative support and huge space to run school, counseling centre and shelter to BMC for effective functioning.

India's Constitution may condemn it as slavery and the law may deem it illegal, but prostitution in India is a flourishing industry. Almost everyone's a winner in this business except the prostitutes themselves, the majority of whom are bonded sex slaves. The profoundest impact of their disenfranchised status is on their children who grow up in vitiating environs, without access to proper education or healthcare. Inevitably, they internalise their victim status and cannot even conceive of a future outside the flesh trade, many making their "professional" debut when barely adolescent. The increased inequities brought in by globalisation are also heightening the vulnerability of women and children to sexual trafficking, but laws and policies remain critically incapacitated to deal with the issues.

The starting point for Prerana's interventions was the thumping consensus among prostitutes that their children should not enter the trade. Yet, they do not want to yield their right as guardians. Working in partnership with mothers and children, Prerana has designed a number of services that are rooted in the kids' current reality but intended to equip them to transition to a very different one. To counter the destructive influences of their environment, Prerana works with low-cost residential schools to secure admission for these kids. For toddlers, there are day-care and night-care centres to keep them away when their mothers entertain clients. Simultaneously, counsellors instill self-esteem in the kids.

To counter sex trafficking, Prerana works on several fronts with multiple partners including CSOs, lawyers, and women and child welfare state agencies, focusing on rescue and rehabilitation of trafficked victims and sensitisation workshops for lawyers and public officials. Successful results of Prerana-instigated class action suits include crucial clarification of laws meant to protect minors. Most recently, Prerana is campaigning against beer bars to expose how these legal enterprises are a venue for solicitation. Prerana's efforts have put trafficking on funding agency agenda and its approach.

8.6 CASSA's CRUSADE AGAINST FEMALE INFANTICIE AND PRE-BIRTH ELIMINATION OF GIRLS

Campaign Against Sex Selective Abortion is a national level effort to stop pre-birth elimination of girls. Legacy of continuing declining sex ratio in India and in the history of Census of India has taken new turn with widespread use of new reproductive technologies

(NRTs) in urban India. NRTs are based on principle of selection of **the desirable** and rejection of **the unwanted**. In India, the desirable is the baby boy and the unwanted is the baby girl. The result is obvious. The Census results of 2001 have revealed that with sex ratio of 933 women for 1000 men, India had deficit of 3.5 crore women when it entered the new millennium.

Noble laureate, Prof. Amartya Kumar Sen calls this phenomenon “missing Women”.² This is a manifestation of discrimination and stigmatization of women delivering daughters. “Sex selection in society occurs in the context of entrenched values, interests and cultural beliefs and practices. Their eradication requires investment in long-term strategies and economic and social development and educational and cultural empowerment”.³ It is a matter of deep regret that even the states in Asia perceive this phenomenon as an indicator of population stabilisation, logic being less number of women means less reproduction. The women’s movement has emphasised the following:

“Eliminate Inequality, not Women”,

“Destroy Dowry & dehumanisation, not Daughters”,

Say “No” to Sex-determination, Say “Yes” to Empowerment of Women,

Say “No” to Sex Discrimination, Say “Yes” to Gender Justice.

CASSA counters those who believe that it is better to kill a female foetus than to give birth to an unwanted female child. Their logic eliminates the victim of male chauvinism, does not empower her. The techno-doctors do not challenge anti-women practices such as dowry, instead display an advertisement, “Better Rs.5000 now than Rs.5 lakhs later” i.e. better spend Rs.5000 for female foeticide than Rs. 5 lakhs as dowry for a grown up daughter. By this logic, it is better to kill poor people or third world masses rather than let them suffer in poverty and deprivation. This logic also presumes that social evils like dowry are God-given and that we cannot do anything about them. Hence victimise the victim. Investing in daughter’s education, health and dignified life to make herself independent are far more humane and realistic ways than brutalising pregnant mother and her would-be daughter. Recently series of incidents in which educated women have got their grooms arrested at the time of wedding ceremony for demand and harassment for dowry is a very encouraging step in the direction of empowerment of girls. Massive and supportive media publicity has empowered young women from different parts of the country to cancel marriages involving dowry harassment. They have provided new role models. It is encouraging to notice that in last two years, several large corporate houses have come forward to take up this issue in a big way under the banner of CORPORATE SOCIAL RESPONSIBILITY.

In the petition filed by CEHAT-MASUM in the Supreme Court of India and supported by the women’s rights groups, Dr. Sabu George, the petitioner’s demand of expansion of the scope of the Pre Natal Diagnostic Techniques Act to include sex pre-selection techniques and effective implementation of the PNDT ACT⁴ has not only been accepted but also rules have been formulated for its implementation. The state governments are also organising state level seminars for doctors from the government and private sectors to focus on raising awareness to the fact of sex selective foeticide as a discriminatory practice. They are also trying to deal with the issue from the point of view of responsibility of science towards gender justice, medical ethics and human rights. Recent publication of CEHAT “Sex Selection- Issues and Concerns” selected important writings of spokespersons, who have examined the problem of “missing girls” from these angles.

We have a great task in front of us i.e. to change the mindset of doctors and clients, to create a socio-cultural milieu that is conducive for girl child's survival and monitor the activities of commercial minded techno-doctors thriving on sexist prejudices. Then only we will be able to halt the process of declining sex ratio resulting into the phenomenon of missing girls. To stop a gender imbalanced society we will have to convince doctors and clients, state and civil society that **"Daughters are not for slaughter"**.

8.7 CAMPAIGN AGAINST CHILD LABOUR

Dr. Shantha Sinha, Magsaysay Award Winner and a child rights activist from Andhra Pradesh, gave out a call for a National Campaign to amend Child Labour Act for complete elimination of child labour in India. Avered Dr. Shantha, "It is indeed a shame that India is the home to the largest number of child labour in the world today. Millions of them are joining the labour force in the wake of globalisation, especially in the informal sector in gross violation of their basic rights to childhood, education and equal opportunities. New economic policies and inadequate laws have contributed to the growing numbers of children in work, even though the existence of child labour is in total contradiction to the fundamental right to elementary education for all children. We will agree that no development is possible at the expense of such intense exploitation and drudgery of children".

The major flaw in the Child Labour (Prohibition and Regulation) Act, 1986 is that it prohibits child labour only in certain listed hazardous industries and excludes 98% of children who are engaged in work from the purview of the Act. In fact, by doing so, the Act justifies and legitimises child labour. The campaign is mainly to focus on an amendment to the Child Labour (Prohibition and Regulation) Act, 1986 to prohibit all forms of child labour. It is imperative that the government's initiative of drafting the bill on free and compulsory education must take cognizance of the inextricable link between the total abolition of child labour and children's right to education.

In 2002, at least fifteen million children work as bonded labour. They are involved in agriculture, rag-picking, rolling local cigarettes, packaging firecrackers, cleaning hotels, textile and carpet industries and in the manufacture of sports goods. In several industries, bonded children work twelve or more hours a day, often seven days a week. The children suffer injuries and disease as well as verbal and physical abuse from their owners. Child labour law continues to be poorly enforced, with even high-level officials advocating non-enforcement. There are more than 40 million girls in India who are forced into early adulthood, and made to work in exploitative conditions. They work in sectors like textile, carpets, fisheries, and domestic labour. Their work is hardly visible, and no rules apply to them. Child labour is a vulnerable issue since it goes to the roots of poverty and family control. It requires special legislation and monitoring to end this abuse.

8.8 SUMMARY

India guarantees basic rights for women in the Constitution, but gender discrimination is evident in all institutions and especially in civil society. Discrimination begins at birth and indeed increasingly before birth for the girl child. The technology of sex determination tests, has led to large scale abortion of the female foetus that have resulted in severe distortions in the female to male ratios in many states. This discriminatory status stems from the persistence of patriarchal attitudes, discriminatory laws and because of the non-

implementation of protective legislation. While India is signatory to conventions like the CEDAW, social practice and policy remain at variance with the laws on paper. The traditional Indian practice of dowry (gifts/property given with the bride during marriage) is illegal according to the Constitution, but prosecutions in dowry death (the brides murdered due to lack of sufficient dowry) cases are rare. In case of inheritance of family property women face numerous problems. Divorce laws are biased against women. The increase in the number and extent of violence against women be it domestic violence or in the public sphere, like in the working place is a common phenomena. Throughout India, women are victimised by rape, trafficking, sexual harassment, and domestic violence, often with little recourse to justice. Sexual harassment, abusive remarks in the working places and educational institutions are increasing day by day. In spite of strict legal provisions and policies of spreading of literacy and women's empowerment, the practice and worship of a belief of "Sati" are still prevalent today. Reports have established that during communal violence women are the worst sufferers. The situation is worse in the case of Dalit women. They are subject to oppression on the ground of caste, community, class and gender. They are the most oppressed, abused sections of society and denied a voice, both within the caste-based Dalit movement and also by the wider Indian women's movement. To quote Justice P.N. Bhagwati former chief Justice of India, "Rape and molestation are new dimensions of caste war, used as weapons of reprisal and to crush the morale of a section of the people." Mobilising public opinion through Gandhian Methods is the only way to combat violence against women and children and establish a society based on foundation of peace and harmony.

8.9 TERMINAL QUESTIONS

1. Analyse the nature, demands and learnings of Anti-Rape Movement.
2. Define sexual harassment at workplace. What are the measures to prevent this offence?
3. What are the reasons for dowry demands, dowry harassment and dowry murders? What steps are taken by Anti-Dowry Agitation?
4. Explain the concept of One Stop Crisis Prevention Centre for survivors of domestic violence. Provide a case study of *Dilaasa* in Mumbai.
5. Critically evaluate efforts of National Alliance of Women's Organisation (Orissa) and Prerana (Mumbai) to stop trafficking of women.
6. What are the salient features of crusade against female infanticide and pre birth elimination of girls? How can we stop declining child sex ratio in our society?

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